

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 9, 2004. At the time of the Office Action, Claims 1-12 and 14-19 were pending in this Application. Claims 1-6, 8-12, 14, 17 and 19 were rejected. Claim 13 was previously cancelled by Applicants and the Examiner has withdrawn Claims 7, 15, 16, and 18 due to an election/restriction requirement.

Rejections under 35 U.S.C. § 102

Claims 1-4, 8, 10-12 and 14 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,102,822 issued to Michel Calligaro ("Calligaro"). Applicants respectfully traverse and submit the cited art does not teach all of the limitations of the claimed embodiment of the invention. The presently claimed embodiment of the invention is directed, *inter alia*, to p, i, and n-areas located on the same surface, *i.e.*, a "first surface." Calligaro, much like the prior art discussed in the present specification, disclosed p, i, and n-areas that are not located on the same surface, but instead are stacked on top of each other. (See Figures 1, 4-10). In each figure of Calligaro, the n-area is located on an SI surface, the i-area is located on a n-area surface and the p-area is located on an i-area surface. Thus, Calligaro does not teach p, i, and n-areas located on the same surface. Consequently, Calligaro does not disclose each limitation of the claimed embodiment of the invention. Thus, Applicants request withdrawal of the rejection and favorable action.

Claims 1-2, 5-6, 8-9, and 17 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,667,528 issued to Guy Moshe Cohen et al. ("Cohen et al."). Applicants respectfully traverse and submit the cited art does not teach all of the limitations of the claimed embodiment of the invention. The presently claimed embodiment includes, *inter alia*, the limitations: (1) "forming a first electrically conductive member on a side of the p-area, which faces away from the intermediate area," and (2) "forming a second electrically conductive member on a side of the n-area, which faces away from the intermediate area." Cohen et al. does not disclose a structure including the above-described "electrically conductive members." (See Figures 3-6 of Cohen et al.) Thus, Applicants respectfully submit Cohen et al. fail to teach and/or disclose all the limitations of the

presently claimed embodiment of the invention. Consequently, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen et al. Applicants respectfully traverse and submit the cited art combination, even if proper which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As noted above, Claim 8, upon which Claim 19 is dependent, is not taught or disclosed by Cohen et al. Indeed, as outlined above, Cohen et al. fails to disclose, teach, or suggest, *inter alia*, the presently claimed first and second electrically conductive members. And as noted by the Examiner, Cohen et al. does not teach intermediate areas of 30μm and greater. Thus, a *prima facie* obviousness has not been established and withdrawal of the rejection is requested.

Claim 20, dependent on Claim 8, is submitted. Applicants, for the same reason noted in relation to Claim 8, request favorable action in relation to new Claim 20, dependent on Claim 8.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on December 30, 2004. Applicants respectfully request that this Information Disclosure Statement be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed December 30, 2004 for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

Declaration and Power of Attorney

A Supplemental Declaration and Power of Attorney for the above-listed patent application is enclosed which reflects the correct filing date of the German priority document which is claimed in the specification filed December 8, 2003.

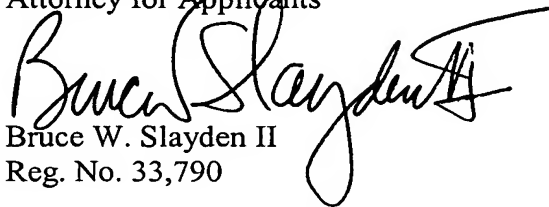
CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully (i) requests reconsideration of Claims 1-6, 8-12, 14, 17 and 19 and (ii) favorable consideration of new Claim 20.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
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